

PUBLIC LAW 104-191—AUG. 21, 1996 110 STAT.
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(1) IN GENERAL.—Section 877 is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection

(d) the following new subsection:

"(e) COMPARABLE TREATMENT OF LAWFUL PERMANENT RESIDENTS WHO CEASE TO BE TAXED AS RESIDENTS.—

"(1) IN GENERAL.—Any long-term resident of the United States who—

"(A) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)) or

"(B) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country,

shall be treated for purposes of this section and sections 2107,

2501, and 6039F in the same manner as if such resident were

a citizen of the United States who lost United States citizenship

on the date of such cessation or commencement.

"(2) LONG-TERM RESIDENT.—For purposes of this subsection,

the term "long-term resident" means any individual (other than a citizen of the United States) who is a lawful permanent

resident of the United States in at least 8 taxable years

during the period of 15 taxable years ending with the taxable year

during which the event described in subparagraph (A) or (B)

of paragraph (1) occurs. For purposes of the preceding sentence,

an individual shall not be treated as a lawful permanent resident

for any taxable year if such individual is treated as a

resident of a foreign country for the taxable year under

the provisions of a tax treaty between the United States and the

foreign country and does not waive the benefits of such treaty

applicable to residents of the foreign country.

"(3) SPECIAL RULES.—

"(A) EXCEPTIONS NOT TO APPLY.—Subsection (c) shall

not apply to an individual who is treated as provided

in paragraph (1).

"(B) STEP-UP IN BASIS.—Solely for purposes of determining any tax imposed by reason of this subsection,

property which was held by the long-term resident on

the date the individual first became a resident of the

United States shall be treated as having a basis on such date of not less than the fair market value of such property on such date. The preceding sentence shall not apply if the individual elects not to have such sentence apply. Such an election, once made, shall be irrevocable.

"(4) AUTHORITY TO EXEMPT INDIVIDUALS.—This subsection shall not apply to an individual who is described in a category of individuals prescribed by regulation by the Secretary.

"(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this subsection, including regulations providing for the application of this subsection in cases where an alien individual becomes a resident of the United States during the 10-year period after being treated as provided in paragraph (1)."

(2) CONFORMING AMENDMENTS.—

(A) Section 2107 is amended by striking subsection (d), by redesignating subsection (e) as subsection (d), and